

**ANTITRUST DIVISION  
WORKLOAD STATISTICS  
FY 1995 - 2004**



## INVESTIGATIONS

<b>Total Investigations Initiated, by Primary Type of Conduct<sup>1</sup></b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Sherman §1 - Restraint of Trade	135	128	95	109	73	85	84	94	133	79
Sherman §2 - Monopoly	25	19	15	11	6	10	10	13	10	7
Clayton §7 - Mergers	161	284	338	285	288	221	179	129	129	106
Others	4	5	6	3	6	11	9	7	11	19

<b>Business Reviews</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Requested	51	29	22	16	13	15	13	5	4	2
Closed	29	37	39	19	9	12	8	6	26	2
- Granted	17	15	32	12	7	9	7	6	12	2
- Denied	-	2	1	-	-	2	-	-	1	-
- Declined	1	2	5	-	-	-	1	-	-	-
- Withdrawn	11	18	1	7	2	1	-	-	13	-
Pending	45	38	20	17	21	24	29	28	6	6

<sup>1</sup> Reflects the primary type of conduct under investigation at the outset. See "District Court Antitrust Cases" for numbers of cases by offense. Does not include business reviews or premerger notifications, but includes investigations initiated as a result of premerger notifications.

<b>Hart-Scott-Rodino (HSR) Premerger Notifications</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Received	2,816	3,094	3,702	4,728	4,642	4,926	2,376	1,187	1,014	1,454
HSR Investigations Initiated	88	186	220	170	172	137	106	76	70	76
Number of Cases Filed	8	9	14	14	19	20	7	4	7	5

<b>Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Initiated <sup>2</sup>	225	332	344	294	277	242	204	176	182	157
Cases Filed or Investigations Ceased	259	303	327	303	290	228	211	181	170	174
Pending	112	141	158	149	136	150	143	135	147	130

<b>CIDs Issued</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Total number <sup>3</sup>	2,029	1,878	1,629	1,488	919	980	822	573	631	562
Documentary	197	365	290	268	78	56	64	73	54	110
Written	165	47	31	29	76	98	169	4	52	14
Oral	707	857	629	605	182	257	301	175	239	186
Documentary/Written <sup>4</sup>	960	609	679	586	583	569	288	321	286	252

<sup>2</sup> Investigations opened with the purpose of exploring judgment modification or termination are not included here in the total number of preliminary inquiries initiated. Such judgment modification/termination investigations are addressed separately under the Judgment Enforcement indicators.

<sup>3</sup> A very limited number of investigations with peculiar factual circumstances (e.g., large number of local markets at issue, large number of potentially competitive products, and the large volume of commerce involved) account for the large increase in the numbers of civil investigative demands (CIDs) issued since 1994. For the vast majority of investigations, there was little or no increase in the use of CIDs.

<sup>4</sup> Combined documentary and written CIDs served to one person, corporation, partnership or legal entity.

## CIVIL INVESTIGATIONS

<b>Merger Investigations</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Total Number (HSR and Non-HSR Investigations)	134	237	277	230	230	178	147	102	95	89
HSR Investigations	88	186	220	176	175	137	106	76	70	76
- HSR Investigations: Second Requests	56	102	120	102	68	55	43	22	20	15
Non-HSR Investigations	45	49	57	54	55	41	41	26	25	13
- Non-HSR Investigations: CIDs Issued	9	15	13	20	13	7	2	8	10	4
Merger CIDs Issued <sup>5</sup>	741	762	1,141	876	690	783	658	399	460	158

<b>Non-Merger Investigations</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Total Number	93	94	91	94	56	40	30	27	33	41
- Non-Merger Investigations: CIDs Issued <sup>6</sup>	44	32	24	26	15	9	16	16	20	19
Non-Merger CIDs Issued	1,247	1,108	409	406	180	168	166	174	171	404

<b>Civil Investigation Results</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
<b>Merger Investigations:</b>	18	30	31	51	46	48	32	10	15	9
Total Number of Public Challenges										
- Actions Filed in District Court <sup>7</sup>	9	9	14	15	20	21	8	4	9	6
- Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	9	21	17	36	25	27	24	6	6	3

<sup>5</sup> Some CIDs covered more than one investigation, and some CIDs were issued for previously opened investigations; figures available from FY 1994.

<sup>6</sup> This statistic only includes the first CID issued in an investigation.

<sup>7</sup> These statistics are the same as those reported under "District Court Antitrust Cases - Merger Cases Filed" on page 6.

Civil Investigation Results	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
<b>Non-Merger Investigations:</b> Actions Filed in District Court <sup>8</sup>	10	15	20	5	7	2	-	3	5	2

## CRIMINAL INVESTIGATIONS AND CASES

Grand Jury Investigations	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Initiated	30	27	28	30	19	26	26	26	48	21
Terminated	45	32	20	16	30	35	19	17	19	29
Pending	84	79	87	101	90	81	88	97	126	118

Criminal Cases Filed	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Total Cases Filed	60	42	38	62	57	63	44	33	41	42
Individuals Charged	32	22	29	52	46	60	39	32	28	39
Corporations Charged	40	41	24	19	17	40	22	14	16	20

<sup>8</sup> Statistics for this section are available only from FY 1995.

**DISTRICT COURT ANTITRUST CASES**

<b>TOTAL CIVIL CASES</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	26	27	21	23	29	23	10	7	14	8
Terminated	25	21	25	27	21	12	23	14	11	12
- Won	23	21	24	25	21	12	23	13	11	10
- Lost	-	-	1	1	-	-	-	1	-	1
- Dismissed	2	-	-	-	-	-	-	-	-	1
Pending	23	29	25	21	29	40	27	20	23	19

<b>RESTRAINT OF TRADE - CIVIL (SHERMAN §1)</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	14	12	4	5	5	1	1	1	3	-
Terminated	13	6	13	8	7	-	-	-	2	2
- Won	12	6	13	7	7	-	-	-	2	1
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	1	-	-	1	-	-	-	-	-	1

<b>MONOPOLY - CIVIL (SHERMAN §2)</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	1	2	-	2	2	1	-	1	-	-
Terminated	1	2	1	-	1	-	-	-	-	-
- Won	-	2	1	-	1	-	-	-	-	-
- Lost	-	-	-	-	-	-	-	-	-	1
- Dismissed	1	-	-	-	-	-	-	-	-	-

MERGER CASES (CLAYTON §7)	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filed	9	9	14	15	20	21	8	4	9	6
Terminated	7	8	10	17	9	12	23	14	8	7
- Won	7	8	9	16	9	12	23	13	8	7
- Lost	-	-	1	1	-	-	-	1	0	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

DAMAGE ACTIONS - CIVIL	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filed	-	-	-	-	-	-	-	-	-	-
Terminated	-	-	-	-	-	-	-	-	-	-
- Won	-	-	-	-	-	-	-	-	-	-
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

OTHER CIVIL	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filed	2	4	2	1	2	-	1	1	2	2
Terminated	4	5	1	2	3	-	-	-	1	2
- Won	4	5	1	2	3	-	-	-	1	2
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

<b>TOTAL CRIMINAL CASES</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	60	42	38	62	57	63	44	33	41	42
Won	65	38	40	64	48	52	38	37	32	35
Lost	2	5	1	1	2	-	2	1	1	1
Pending <sup>9</sup>	-	-	-	17	24	35	39	34	42	48
Appeal Decisions	7	6	4	6	-	-	5	1	2	7

<b>RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	49	39	32	57	53	52	37	23	23	28
Won	58	31	35	59	45	44	29	28	19	17
Lost	2	4	1	1	2	-	1	1	1	1
Pending <sup>10</sup>	-	-	-	16	22	30	37	31	34	44

<sup>9</sup> This is a new statistic as of the FY 1999 Workload Statistics Report.

<sup>10</sup> This is a new statistic as of the FY 1999 Workload Statistics Report.

<b>OTHER CRIMINAL CASES</b> <b>Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	11	3	6	5	4	11	8	10	18	14
Won	7	7	5	5	3	8	10	9	13	18
Lost	-	1	-	-	-	-	1	-	-	-
Pending <sup>11</sup>	-	-	-	1	2	5	2	3	8	4

<sup>11</sup> This is a new statistic as of the FY 1999 Workload Statistics Report.

## APPELLATE CASES

<b>ANTITRUST DIVISION CASES COURT OF APPEALS</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	20	17	14	23	10	10	3	6	7	5
Terminated	11	13	12	12	6	3	6	2	5	11
- Won	8	8	9	9	4	3	4	2	3	8
- Lost	3	-	-	3	2	-	1	-	1	3
- Dismissed	-	5	3	-	-	-	1	-	1	-

<b>ANTITRUST DIVISION CASES SUPREME COURT</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	1	-	2	2	1	1	1	-	-	1
Terminated	3	4	1	-	1	-	1	1	-	-
- Won	2	-	1	-	1	-	1	1	-	-
- Lost	1	-	-	-	-	-	-	-	-	-
- Dismissed	-	4	-	-	-	-	-	-	-	-

<b>AMICUS CASES COURT OF APPEALS</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	4	6	3	3	-	5	2	3	6	5
Terminated	4	4	7	2	1	2	2	3	4	4
- Won	1	2	6	1	1	2	1	2	1	3
- Lost	3	2	-	1	-	-	1	-	3	2
- Dismissed	-	-	1	-	-	-	-	1	-	-

<b>AMICUS CASES</b> <b>SUPREME COURT</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	1	3	2	4	1	1	1	1	-	3
Terminated	1	3	1	4	-	1	1	1	-	4
- Won	1	1	1	3	-	1	1	1	-	4
- Lost	-	2	-	1	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

<b>OTHER AGENCIES' CASES</b> <b>(ADMINISTRATIVE LAW CASES)</b> <b>COURT OF APPEALS</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
- Filed	130	111	211	428	113	69	35	49	76	93
- Terminated	121	99	63	52	110	85	34	53	36	43
Won	68	30	23	20	47	21	17	14	17	21
Lost	11	10	7	7	8	1	15	5	2	2
Dismissed	42	59	33	25	55	63	2	34	17	20

<b>OTHER AGENCIES' CASES</b> <b>SUPREME COURT</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Filed	-	5	1	10	7	4	3	-	1	4
Terminated	-	4	-	-	4	2	1	1	-	1
- Won	-	2	-	-	3	1	1	-	-	1
- Lost	-	2	-	-	1	-	-	-	-	-
- Dismissed	-	-	-	-	-	1	-	1	-	-

## JUDGMENT ENFORCEMENT

<b>JUDGMENT ENFORCEMENT<sup>12</sup></b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Divestitures	4	6	13	9	20	17	9	1	4	5
Decrees Modified/Terminated	5	6	1	4	3	4	6	6	7	3
Contempt Cases	1	1	-	1	3	-	-	1	-	2

<b>JUDGMENT ENFORCEMENT: Modification/Termination Investigations<sup>13</sup></b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Initiated	-	5	5	6	11	-	-	2	3	1
Terminated	4	4	3	4	3	6	-	-	2	4
Pending	6	7	9	11	19	17	15	17	18	15

<sup>12</sup> This category of statistics does not include activity concerning the enforcement of the modified final judgement in the AT&T case.

<sup>13</sup> These are investigations to determine whether a judgment should be modified or terminated.

## CASE RESULTS<sup>14</sup>

<b>FINES IMPOSED<sup>15</sup></b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
<b>Individual:</b> Total Individual Fines (\$000)	1,211	1,572	1,247	2,499	12,273	5,180	2,019	8,685	470	644
Number of Individuals Fined	25	16	17	20	50	43	20	19	16	15
<b>Corporate:</b> Total Corporate Fines (\$000)	40,222	25,245	203,93 1	241,645	959,866	303,241	270,778	93,826	63,752	140,586
Number of Corporations Fined	32	31	30	18	25	26	14	17	17	13
<b>Total Fines Imposed (\$000)</b>	41,433	26,817	205,17 8	244,144	972,138	308,421	272,797	102,511	64,222	141,230

<b>OTHER CASE RESULTS</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
<b>Restitution Imposed in Connection with Criminal Cases<sup>16</sup> (\$000)</b>	1,200	799	275	4,250	2,343	1,713	31,083	7,278	15,545	18,776
Number of Defendants	7	5	2	3	12	20	17	21	21	16
<b>HSR Penalties (\$000)</b>	425	7,650	5,796	500	3,285	-	-	4,000	6,314	1,800
Number of Corporations	-	4	3	2	4	-	2	2	3	1
Number of Individuals	1	-	1	-	1	-	-	-	-	1

<sup>14</sup> Dollar figures are amounts imposed during the fiscal year.

<sup>15</sup> Does not include fines “agreed to” by defendants in plea agreements during the fiscal year but not yet imposed by the court.

<sup>16</sup> Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

## CONFINEMENT

INCARCERATION	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Number of Individuals Sentenced	27	19	17	16	54	47	24	36	30	28
Number of Individuals Sentenced to Incarceration Time	16	5	3	5	28	18	11	19	15	20
Total Number of Actual Days of Incarceration Imposed by the Court	3,902	2,431	789	1,301	6,662	5,584	4,800	10,501	9,341	7,334

OTHER CONFINEMENT <sup>17</sup>	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Individuals Sentenced to Other Confinement	16	8	9	10	25	20	12	16	6	4
Number of Other Confinement Days	2,933	1,148	1,270	1,530	2,850	2,567	1,844	3,607	1,025	1,575

<sup>17</sup> Includes house arrest or confinement to a halfway house or community treatment center.

## GENERAL ANTITRUST ACTIVITIES

<b>PARTICIPATION IN BANK MERGER PROCEEDINGS</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Total Screenings	1,897	1,788	1,850	1,923	1,698	1,373	1,328	1,079	994	1,127
Screenings Requiring Competitive Analysis	1,211	1,231	1,197	1,225	1,109	945	859	628	587	732

<b>INTERNATIONAL ANTITRUST ACTIVITY</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Notifications to Foreign Governments. and International Organizations	76	73	77	96	93	143	126	82	89	89
Representation at and Negotiations with Foreign Governments. and International Organizations	40	42	47	50	55	51	53	25	27	55
Applications for Export Trade Certificates	7	5	4	3	5	6	3	2	5	4
Certificates Issued	6	3	4	3	3	4	3	2	3	6

FILINGS IN REGULATORY AGENCY PROCEEDINGS <sup>18</sup>	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Department of Transportation	3	-	-	2	-	-	-	3	2	-
Federal Energy Regulatory Commission	2	-	-	-	1	-	-	-	-	-
Securities and Exchange Commission	2	1	-	1	-	2	-	-	-	-
Federal Communications Commission	1	8	5	6	-	5	7	13	10	2
Federal Maritime Commission	1	-	-	-	-	-	-	-	-	1
Interstate Commerce Commission	4	-	-	-	-	1	-	-	-	1
Other	1	1	3	2	-	6	-	-	-	2
Total	14	10	8	11	1	14	7	16	12	6

<sup>18</sup> These statistics may include counts of multiple filings for one proceeding.

<b>OTHER ANTITRUST ACTIONS</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
4F (HSR) Information	11	21	9	2	2	2	1	3	-	-
Advice on Surplus Property	1	-	-	-	5	-	-	4	1	-
Meetings of Interagency Task Forces/Committees <sup>19</sup>	56	13	41	28	35	47	46	41	51	28
Congressional Appearances	7	5	4	10	11	20	4	5	1	3
Congressional/OMB Requests for Comments	514	675	579	779	629	568	424	384	401	297
White House Referrals	450	325	137	722	196	25	625	157	226	2
Congressional Correspondence	586	365	435	581	628	578	597	477	186	109
Statutory Reports	77	-	3	-	5	4	21	13	17	19
Joint Research & Development Filings	109	83	56	38	61	47	24	29	17	252 <sup>20</sup>
FOIA Requests	368	335	226	276	247	242	207	154	159	162
Privacy Act Requests	5	8	17	6	3	9	16	11	10	4

<sup>19</sup> These figures reflect the number of interagency task forces or committees that held meetings at which Division staff attended. The figures do not reflect the actual number of meetings held.

<sup>20</sup> The National Cooperative Research and Production (NCRPA) Act was amended last year to include standard development organizations.